



Request for City Council Committee Action from the Department of Public Works

Date: June 11, 2014

To: Kevin Reich, Chair, Transportation & Public Works Committee

Subject: **Temporary Construction Agreement with University of Minnesota for
Bridge No. 9 Pier 3 Repairs**

Recommendation:

Authorize the proper City officials to enter into a Temporary Construction Agreement with the University of Minnesota regarding construction activities and easements on and in the vicinity of "Bridge Number 9" (a bridge over the Mississippi River).

Previous Directives:

- March 7, 2014 : Temporary Construction Agreement with the University of Minnesota (resubmission)
- December 6, 2013: Temporary Construction Agreement with the University of Minnesota.
- May 22, 2009: Federal fund application submitted (SAFETEA_LU)

Department Information:

Prepared by: Meseret Wolana, P.E. Project Engineer 673-3527

Approved by: _____

Steven A. Kotke, P.E., Director of Public Works

Presenters in Committee: Jack Yuzna, P.E. Bridge Engineer 673-2415

Financial Impact

No financial impact

Community Impact

City Goals- Maintain infrastructure

Supporting Information

This letter is being resubmitted with clarified negotiated items.

Bridge No. 9 is a converted railroad bridge which carries pedestrian and bicycle traffic over the Mississippi River and West River Parkway between the University of Minnesota East and West Bank campuses in Minneapolis.

The bridge was originally constructed as a Northern Pacific Railroad crossing in the late 1880's. Portions of the current bridge date back to this original construction. It was reconstructed by the railroad in 1922. In 1999, the bridge was renovated for pedestrian use, opening for traffic in 2000. The City is the current owner.

The City is currently scheduled making repairs to Bridge No. 9 that will require a temporary construction easement from the University of Minnesota.

City staff and the University of Minnesota negotiated a temporary construction agreement that was approved by the council on March 7, 2014. It became apparent that certain language be clarified or included. Therefore, both parties negotiated and agreed on the temporary construction agreement for the Bridge No. 9 Pier 3 repair work as provided in the attachment.

Negotiated language includes the University's acknowledgment of the permanent easement rights it granted to the city in 1999 easement to operate, maintain and repair a public recreational trail, including Bridge No. 9, over across, and upon the premises described in the 1999 easement.

As part of the negotiated agreement the City has not waived any of its ownership interests in any portion of that property acquired from Burlington Northern Railroad Company by deed recorded on November 14, 1986. The City and University agree to finalize, within 18 months, the parties' boundaries and long-term rights in and adjacent to the Bridge #9 right-of-way.

Negotiated language also includes accepting liability for causing release of potential pre-existing environmental contamination and indemnification of the University of Minnesota for potential expenses related to the use of the easements area including loss, damage and liability. The project has a contingency plan in place in the event that existing contamination is found.

City staff further negotiated a series of items with the University of Minnesota that would assist the City and its contractor to facilitate the repair work of Bridge 9, and future repair work to Bridge No. 9.

The project is federally funded and bridge repair is scheduled to begin in the fall of 2014. The purpose of this letter is to request proper City officials be authorized to enter and execute an agreement with the University of Minnesota regarding construction activities and easements on and in the vicinity of Bridge 9. There is no cost to either party for the easements.

Attachment: Draft Contract with exhibits, Project location map

Cc: CM Cam Gordon, Ward 2

Reich

T&PW – Your committee recommends authorizing the proper City officials to enter into a Temporary Construction Agreement with the University of Minnesota regarding construction activities and easements on and in the vicinity of “Bridge Number 9” (a bridge over the Mississippi River) substantially as provided in Petition Number _____